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Secretariat

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Secretary-General's bulletin

Disposition of the documents of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme

The Secretary-General, for the purpose of establishing a regime for the management, preservation and storage of and access to the documents, records and other materials of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme established by the Secretary-General as an independent high-level inquiry concerning matters arising from the administration and management of the oil-for-food programme, promulgates the following:

Section 1
Scope of the present bulletin

The present bulletin shall apply to any information, regardless of the content or medium, including paper or electronic documents, databases or sound or image recordings, that came into the possession of the Independent Inquiry Committee or were generated by the Committee.

Section 2
Documents of the Independent Inquiry Committee

2.1 Documents of the Independent Inquiry Committee consist of both electronic and hard-copy documents under the following categories of information, as more fully defined below: (a) investigative source materials and documents; (b) non-public working papers; and (c) administrative records:

(a) Investigative source materials and documents: all documents gathered by the Committee for the purpose of conducting its investigation. This includes documents obtained from the United Nations, including its subsidiary organs, Member States, corporate entities and individuals;

(b) Non-public working papers: all non-public documents prepared by the Committee in the course of its investigation. This includes planning and analysis documents and other forms of investigatory documentation;

(c) Administrative records: documents relating to the administration and operation of the Committee, including financial and administrative records.

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2.2 Certain documents of the Committee are confidential owing to restrictions imposed by the parties who provided such documents or by the Committee in accordance with the authority provided to it by the Secretary-General. Such restricted documents include: (a) documents governed by an agreement or understanding between the Committee and a third party providing that the documents and/or information shall not be disclosed to any party outside of the Committee; (b) documents the disclosure of which may expose individuals to the risk of harm, actual harm or retaliation; (c) non-public working papers; and (d) databases that commingle restricted and non-restricted documents of the Committee where it is not feasible to partition restricted and non-restricted documents.

2.3 In order to safeguard former Independent Inquiry Committee staff from the risk of harm, actual harm or retaliation, the personnel files of those staff containing personal information shall be handled in the same manner as restricted Committee documents, except in the event of an audit duly authorized by the General Assembly. Independent Inquiry Committee personnel files and their contents may be accessed only by an outside party with the consent of the staff member concerned.

Section 3
Interim period

3.1 As from 1 January 2007, the successor of the Independent Inquiry Committee, the Office of the Independent Inquiry Committee, shall be administered by the Department of Management for a period of two years ("the interim period"), which may be extended by the Secretary-General.

3.2 During the interim period, the work of the Office of the Independent Inquiry Committee shall be performed by the representative designated by the former members of the Committee and his or her designees ("representative(s)").

3.3 During the interim period, to enable the United Nations to respond to requests for information and assistance by Member States relating to the findings contained in the reports of the Committee, referred to in section 4 below, the documents of the Committee shall remain unsealed and shall be maintained by the representative(s) of the Committee.

3.4 During the interim period, the representative(s) shall transfer to the custody of the Archives and Records Management Section, Office of Central Support Services, Department of Management, the hard copy of non-restricted documents which the Committee representative(s) consider are no longer relevant for responding to the requests referred to in section 4 below. The representative(s) will provide unrestricted access to electronic Independent Inquiry Committee documents that are not restricted to officials designated by the Secretary-General.

Section 4
Disclosure of Independent Inquiry Committee documents

4.1 Subject to the provisions of the present section, Independent Inquiry Committee documents may be made available to Member States on written request by the Member State to the Secretary-General.

4.2 During the interim period, the Secretary-General shall forward any request received by a Member State to the representative(s) of the Committee.

Notwithstanding the provisions of section 3.4 above, the representative(s) shall determine which documents if any are responsive to the request and make a recommendation to the Secretary-General on their disclosure, based on the nature of the documents, including whether they fall into the category of restricted documents.

4.3 Should the Secretary-General approve the request for disclosure of documents in whole or in part, the Secretary-General, in coordination with the Office of Legal Affairs, shall notify the Member State and the Committee representative(s) shall prepare the relevant documents for release.

4.4 There shall be no disclosure of restricted Committee documents under seal, except as follows:

(a) There shall be a written request from a Member State;

(b) The Committee representative(s) shall make a recommendation to the Secretary-General that shall specify the conditions under which access to, viewing of or use of the restricted documents is to be permitted, if at all;

(c) The written consent of the source of the requested documents or information shall be obtained by the Committee representative(s), if necessary;

(d) Once written consent has been obtained, the Secretary-General, on the basis of the recommendation of the Committee representative(s), shall weigh the following considerations in deciding on the release of restricted Committee documents: the confidential nature of the Committee's proceedings, the secrecy of sources, the safety of witnesses and whether the disclosure may be necessary for or interfere with official ongoing investigations by competent authorities.

4.5 The United Nations may charge the Member State reasonable fees for complying with any request for access to any Independent Inquiry Committee documents.

Section 5
Permanent storage of Independent Inquiry Committee documents

5.1 At the conclusion of the interim period, the Committee representative(s) shall transfer custody of all Committee documents to the Archives and Records Management Section. The Archives and Records Management Section shall arrange for the transfer of the documents to permanent storage in the on-premises archives of the United Nations, which are within the headquarters district as defined in the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, done at Lake Success on 26 June 1947, as supplemented from time to time.

5.2 Restricted Committee documents shall be preserved and maintained by the Archives and Records Management Section under seal for a period of 50 years. For this purpose, the Chief of the Section and such officials of the Section as he or she may designate in writing may have access to or use the copy of the restricted documents for the maintenance and preservation thereof. There shall be no declassification of the restricted documents of the Independent Inquiry Committee.

Section 6
Entry into force

The present bulletin shall enter into force on 1 January 2007.

(*Signed*) Kofi A. **Annan**
Secretary-General

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